

GOVERNMENT OF MYSORE

Social Welfare and Labour Department

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. Hanuman Mills, Darbe, Puttur, South Kanara.

Award of the Labour Court, Mangalore, published.

Read the following papers :—

(1) Letter No. A—ID 3—73-74, dated 21st August 1973, from Sri H. S. Venkatasubbaiah, Presiding Officer, Labour Court, Mangalore

BEFORE THE LABOUR COURT AT MANGALORE

Dated 20th August 1973.

Reference (ID) (LCM) No. 3 of 1973

Present :

H. S. Venkatasubbaiah, B. A. LL.B., Presiding Officer.

Between:—

I Party.—

The Workmen, represented by the President, Puttur Taluka Saw Mills and General Labour Union, Puttur, S. K. District.

And

II Party.—

The Management of M/s. Hanuman Mills, Darbe, Puttur, S. K. District.

AWARD

The State Government of Mysore being of the opinion that an Industrial Dispute exists between the workmen and the management of M/s. Hanuman Mills, Darbe, Puttur, have referred the said dispute for adjudication, to this Court, by their Order No. FCL 1147 LLD 72 dated 17th January 1973 under Section 10 (1) (c) of the Industrial Dispute Act, 1947. The points of dispute as specified in the order of reference are the following :

“I. Are the workmen of M/s. Hanuman Mills, Darbe, Puttur S. K. District justified in demanding the following with effect from 15th January 1972 ?

(a) Basic wage Rs. 90-3-120-5-170.

(b) D. A. at the rate of 60 paise per point per month linked with Consumer Price Index of Mangalore over 100 points.

II. If not, to what relief are they entitled ?

III. Are the above said workmen justified in demanding Bonus at the rate of 20 per cent on the total earnings for the financial year 1970-71 ?

IV. If not, to what quantum of bonus are they entitled ?

2. On 25th July 1973, Sri H. Umanath Nayak, who was representing the I Party workers submitted that he was not pressing the reference as he had no instructions as the union was not functioning. Hence notice was issued to the I party workers on 26th July 1973. On 16th August 1973 Sri H. Umanath Nayak President of the I Party Union submitted that the Union had not been registered under the Trade Unions Act and that he did not press the reference. The notice issued to the second party for being served on the first party workers was returned with endorsement to the effect 'Read to the workers and translated in Kannada and one copy affixed to the notice board' Added to that Sri B. Hanumanth Bhat who is the Managing Partner of the II Party has sworn to the effect that after he had received the court notice dated 25th July, 1973 issued by this Court, he had displayed the said court notice in the Notice board of the Mills placed at the main entrance of the Mills and that he had read over the contents of the above-said notice to all the employees of the Mills in Kannada on 1st August 1973 and Made known the same to them. None of the I Party workers were present although notice was served on them under Rule 20 (2) of I. D. Rules.

3. Counter statement of the II Party was filed to the effect that the above dispute is not supported by the employees of the II Party management and they had not espoused the same and therefore the dispute was not an industrial dispute under the provisions of the Industrial Disputes Act, 1947 and that the President of Puttur Saw Mills and General Labour Union, Puttur, South Kanara, had no authorisation and instructions to represent the employees of the II Party management and that the Puttur Saw Mills and Labour Union Puttur, S. K. was never formed. Further it is stated that the wages paid by the II Party management was above the minimum wages fixed for the employees working in rice and Poha Mills in the State and that the management had been prevented from running their Mills for want of Paddy which was in short supply, but in spite of this difficulty the II Party had provided employment to their workmen

by providing odd jobs in the mills and by paying them their wages even when the II Party was under heavy loss due to non-operation of the Mills. That the II Party management had granted increments to their employees before the present dispute had been referred to this Court for adjudication, at the rate of Rs. 10/-per month and that the wages paid by the II Party included Dearness allowance also; that the II Party had also paid bonus for the year 1970-71 to their employees at the rate of 8- $\frac{1}{4}$ as per the provisions of the Payment of Bonus Act and that there is no justification whatsoever for demanding payment of 20 percent bonus for the employees when the firm had suffered heavy losses. Therefore, it was prayed that the reference may be dismissed with costs.

4. On behalf of the II Party Sri B. Hanumantha has been examined. He has also supported the allegation made in the counter statement, in his evidence. There is no reason to discard the evidence adduced. It is very clear from his evidence that the union which represented the workers never existed and was never registered under the Trade Unions Act and none of the workmen had appeared before this Court inspite of issue of notice. In view of the above circumstances, it must be held that the Reference made by the Government was not maintainable and hence the workmen are not entitled to any relief. Accordingly, the Reference is rejected. No order as to costs.

Mangalore.

Dated 20th August 1973

H. S. VENKATASUBBAIAH,

Presiding Officer

Labour Court, Mangalore.

ORDER

Bangalore Dated 13th September 1973

S.O. 543.—Whereas by State Government Order No. FCL 1147 LLD 72, dated 17th January 1973, the Industrial Dispute between the Workmen and the Management of M/s. Hanuman Mills, Darbe, Puttur, South Kanara, was referred to the Labour Court, Mangalore, for adjudication.

And, Whereas the Labour Court, Mangalore, has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, Therefore in exercise of the powers conferred by section 17 of the Industrial Dispute Act, 1947 (Central Act 14 of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the **Mysore Gazette**.

[No. SWL 190 LLA 73]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,

Under Secretary to Government,
Social Welfare and Labour Department.